

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SAVAGE SERVICES CORPORATION
Employer

and

Case 21-RD-264617

NELSON EDWIN MEDINA
Petitioner

and

WHOLESALE DELIVERY DRIVERS,
GENERAL TRUCK DRIVERS,
CHAUFFEURS, SALES,
INDUSTRIAL AND ALLIED
WORKERS, TEAMSTERS LOCAL
848, INTERNATIONAL
BROTHEROOD OF TEAMSTERS
Union

ORDER

The Petitioner's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹ The Petitioner's request for a stay of the election is denied as moot.

¹ In denying review, we note that the Board's decision in *San Diego Gas & Electric*, 325 NLRB 1143, 1145 (1998), recognizes that Board elections should, as a general rule, be conducted manually and specifies well-settled guidelines for determining whether a mail-ballot election would normally be appropriate. But in *San Diego Gas & Electric*, the Board also recognized that "there may be other relevant factors that the Regional Director may consider in making this decision" and that "extraordinary circumstances" could permit a Regional Director to exercise his or her discretion outside of the guidelines set forth in that decision. *Id.*

In finding that a mail-ballot election is warranted in this case, we rely on the extraordinary circumstances resulting from the Covid-19 pandemic. The Board will continue considering whether manual elections should be directed based on the circumstances then prevailing in the Region charged with conducting the election, including the applicability to such a determination of the suggested protocols set forth in GC Memorandum 20-10. Under the circumstances presented in this case, however, we are satisfied that the Regional Director did not abuse his discretion in ordering a mail-ballot election here.

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., October 1, 2020.

The Petitioner also raises concerns about potential disenfranchisement of voters if the ballots are delayed or lost in the mail. While such concerns could be relevant to whether a mail-ballot election is appropriate, the circumstances presented here fail to establish that the Regional Director abused his discretion. Any party is free to present evidence of any actual disenfranchisement of voters, if applicable, in post-election objections.

The Board is open to addressing the normal criteria for mail balloting in a future appropriate proceeding.